

George N. Serbedzic et al.  
Application No.: 09/255,397

PATENT

83. The method of claim 1, wherein the teleost is bleached after staining with alkaline phosphatase.
84. The method of claim 21, wherein the method is conducted in a teleost *in vivo*.
85. The method of claim 1, wherein the teleost is contained in a microtiter well.
86. The method of claim 85, wherein the response is detected using a microplate reader.
87. The method of claim 21, wherein the teleost is contained in a microtiter well.
88. The method of claim 87, wherein the dye in at least one specific tissue or organ is detected using a microplate reader.

REMARKS

The paragraph numbering of the office action is used in responding to the Examiner's remarks. Support for the amendment to claim 1 is provided by e.g., p. 13, line 8, and p. 15, lines 3-15.

6. Claims 43, 75-79, 89 and 90 are cancelled for purposes of expediting prosecution and without prejudice to pursuit in a related application.

7. Claims 1-20 and claims 80, 81, 83, 85 and 86 stand rejected as obvious over Stainier, in view of Driever, Weinstein and Ozatko. In the previous response, Applicants pointed out a distinction in that the cited references discuss methods for performing mutagenesis on zebrafish to determine gene function, and then to use this knowledge to design strategies for therapeutic intervention in vertebrates. By contrast, the presently claimed invention screens agents for pharmacological activity in zebrafish. The Examiner appears to accept this distinction in principle, but takes the view that the claims pending prior to the present amendment could be interpreted so broadly as to include using mutagenic agents to screen for genes affecting angiogenesis.

Although Applicants do not agree with this interpretation of the claims, the claims have been amended for further clarity. Specifically, claim 1 now specifies that the agent effects a pharmacologic angiogenesis activity in the teleost. A pharmacologic

George N. Serbedzija et al.  
Application No.: 09/255,397  
Page 6

PATENT

angiogenesis activity is one that is potentially useful in pharmacology, i.e., as a drug. By contrast, the cited references discuss well known mutagens, such as ethyl nitrosourea, that effect nonspecific damage to DNA within a cell. Such an activity is highly toxic to vertebrates, and of no conceivable utility as a drug. Indeed, most, if not all drugs, are screened specifically to ensure that such activity is absent. Thus, the nonspecific mutagenesis agents discussed in the references would certainly not be considered to effect a pharmacologic angiogenesis activity.

If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at 650-326-2400.

Respectfully submitted,

Joe Liebeschuetz  
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (650) 326-2400  
Fax: (650) 326-2422  
JOL  
PA 3121873 v1